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*Attorneys for Defendant*  
*CenterPoint Energy Services, Inc.*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**IN RE WESTERN STATES  
WHOLESALE NATURAL GAS  
ANTITRUST LITIGATION**

MDL NO. 1566

THIS DOCUMENT RELATES TO:

Base Case No. 2:03-cv-01431-RCJ-PAL

*Arandell Corp., et. al. v. Xcel Energy, Inc., et.  
al.*

Case No. 2:07-cv-01019-RCJ-PAL

**MOTION TO SUBSTITUTE COUNSEL  
FOR CENTERPOINT ENERGY SERVICES, INC.**

Pursuant to LR IA 11-6, Defendant CenterPoint Energy Services, Inc. (“CES”) respectfully requests that the following attorneys (the “Withdrawing Attorneys”) be removed as counsel of record for CES in the above-captioned MDL and all underlying matters:

Mark R. Robeck  
Kelley Drye & Warren, LLP  
3050 K Street NW, Suite 400  
Washington, DC 20007-5108

Travis G. Cushman  
Kelley Drye & Warren, LLP  
3050 K Street NW, Suite 400  
Washington, DC 20007-5108

CES further requests that the Court permit the substitution of the Withdrawing Attorneys with the following attorney from Hyperion Advisors, who enter their appearance for the purpose

of serving as counsel of record on behalf of CES in the above-captioned matters:<sup>1</sup>

Neal Tomlinson  
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Mr. Tomlinson is a member in good standing of the Bar of the State of Nevada, and of this District Court of Nevada. Mr. Tomlinson is currently counsel of record in this matter for Reliant Energy, Inc. (n/k/a GenOn Energy, Inc.) and RRI Energy Services, LLC, and continues to represent each of those defendants in this action. Mr. Tomlinson's substitution as counsel for CES will not delay any proceedings with respect to CES, which is in the process of completing final settlement documents, which will be submitted to this court for approval.

CES's request with respect to this Motion is acknowledged by its representative, Shane Kimzey, Vice President and Associate General Counsel for Litigation at CenterPoint Energy, Inc. (the indirect parent of CES), as reflected at the end of this Motion.

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<sup>1</sup> Plaintiffs have been contacted about this Motion and do not oppose the substitution.

Dated: December 12, 2018

Respectfully submitted,

By: /s/ Mark R. Robeck

Mark R. Robeck  
Travis Cushman  
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ON BEHALF OF THE WITHDRAWING  
ATTORNEYS FOR DEFENDANT  
CENTERPOINT ENERGY SERVICES, INC.

-and-

By: /s/ Neal Tomlinson

Neal Tomlinson  
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ATTORNEYS FOR DEFENDANT  
CENTERPOINT ENERGY SERVICES, INC.

-and-

By: /s/ Shane Kimzey

Shane Kimzey  
Vice President and Associate General Counsel –  
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ON BEHALF OF CENTERPOINT ENERGY  
SERVICES, INC.

### **CERTIFICATE OF SERVICE**

I certify a copy of this pleading was filed electronically on the CM/ECF System on December 12, 2018, which caused all CM/ECF participants to be served by electronic means, as is more fully shown by the Court's Notice of Electronic Filing. I further certify that this pleading was served on CES pursuant to LR IA 10-6(b) via electronic mail.

By: /s/ Neal Tomlinson

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**ORDER GRANTING MOTION TO SUBSTITUTE COUNSEL  
FOR CENTERPOINT ENERGY SERVICES, INC.**

Before the Court for decision is the Motion to Substitute Counsel for Defendant CenterPoint Energy Services, Inc. ("CES"). For good cause shown, the Court finds that the Motion should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Mark R. Robeck and Travis G. Cushman are withdrawn as counsel of record for CES in the following cases:

- *In Re: Western States Wholesale Natural Gas Antitrust Litigation*, Base Case No. 2:03-cv-01431-RCJ-PAL;
- *Arandell Corp., et. al. v. Xcel Energy, Inc., et. al.*; Case No. 2:07-cv-01019-RCJ- PAL; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Neal Tomlinson be substituted as lead counsel of record for CES in the following cases:

- *In Re: Western States Wholesale Natural Gas Antitrust Litigation*, Base Case No. 2:03-cv-01431-RCJ-PAL;
- *Arandell Corp., et. al. v. Xcel Energy, Inc., et. al.*; Case No. 2:07-cv-01019-RCJ- PAL; and

IT IS SO ORDERED this 21st day of December, 2018.



Hon. Peggy A. Lean  
UNITED STATES MAGISTRATE JUDGE